

RECEIVED  
CENTRAL FAX CENTER

JAN 05 2006

**FITZPATRICK, CELLA, HARPER & SCINTO**

650 Town Center Drive  
Suite 1600  
Costa Mesa, California 92626-7130  
(714)540-8700

Facsimile (714)540-9823

**FACSIMILE COVER SHEET**

**TO:** Examiner Leonard Liang  
Group Art Unit 2853

**FROM:** Michael K. O'Neill

**RE:** U.S. Application No. 10/646,700  
Atty. Docket No.: 03500.015453.2

**FAX NO.:** (571) 273-8300

**DATE:** January 5, 2006

**NO. OF PAGES:**

(including cover page)

**5**

**TIME:** 3:27

**SENT BY:** *km*

**MESSAGE**

Attached is a response to the Restriction Requirement dated December 7, 2005.

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on

January 5, 2006  
(Date of Deposit)

Michael K. O'Neill, Reg. No. 37,622  
(Name of Attorney for Applicant)

*Michael K. O'Neill* January 5, 2006  
Signature Date of Signature

**IF YOU DO NOT RECEIVE ALL THE PAGES  
PLEASE CALL 714-540-8700 AS SOON AS POSSIBLE**

**Note:** We are transmitting from a Canon Model FAX-L770  
(compatible with any Group I, Group II or Group III machine)

THIS FACSIMILE MESSAGE AND ACCOMPANYING DOCUMENTS ARE INTENDED ONLY FOR THE USE OF THE ADDRESSEES INDICATED ABOVE. INFORMATION THAT IS PRIVILEGED OR OTHERWISE CONFIDENTIAL MAY BE CONTAINED THEREIN. IF YOU ARE NOT THE INTENDED RECIPIENT, YOU ARE HEREBY NOTIFIED THAT ANY DISSEMINATION, REVIEW OR USE OF THIS MESSAGE, DOCUMENTS OR INFORMATION CONTAINED THEREIN IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS MESSAGE IN ERROR, PLEASE NOTIFY US IMMEDIATELY BY TELEPHONE OR FACSIMILE AND MAIL THE ORIGINAL TO US AT THE ABOVE ADDRESS. THANK YOU.

RECEIVED  
CENTRAL FAX CENTER

JAN 05 2006

03500.015453.2

PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
MASAIKKO KUBOTA, et al. ) Examiner: L. Liang  
Application No.: 10/646,700 ) Group Art Unit: 2853  
Filed: August 25, 2003 )  
For: SOLID SEMICONDUCTOR )  
ELEMENT, INK TANK, )  
INK JET RECORDING )  
APPARATUS PROVIDED )  
WITH INK TANK, LIQUID )  
INFORMATION ACQUIRING )  
METHOD AND LIQUID )  
PHYSICAL PROPERTY CHANGE : January 5, 2006  
DISCRIMINATING METHOD )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

In response to the December 12, 2005 Requirement To Restrict, Applicants  
hereby provisionally elect to prosecute the Group I claims, namely Claims 1 to 21, 30 to 36  
and 39 to 46.

I hereby certify that this correspondence is being facsimile transmitted to  
the U.S. Patent and Trademark Office on:

January 5, 2006  
(Date of Deposit)

Michael K. O'Neill, Reg. No. 32,622  
(Name of Attorney for Applicant)

Signature Michael K. O'Neill Date of Signature January 5, 2006

The requirement for restriction is respectfully traversed. Adequate grounds for insisting upon restriction have not been demonstrated, and the requirements of MPEP § 806.05(h) have not been met.

More particularly, in imposing the requirement for restriction, the Office Action asserted that Claim 22's process for liquid change information acquisition and discrimination could be accomplished through any number of different sensors:

"The sensor does not necessarily need to be a solid semiconductor element in contact with the liquid. It is well known to one of ordinary skill in the art that there are a multitude of liquid level sensors that are not necessarily solid semiconductor elements in contact with liquid." (Office Action, page 2).

This assertion ignores clear claim language of Claim 22. Claim 22 defines a liquid change information acquiring method "of using a solid semiconductor element disposed in contact with a liquid...". Thus, it is wrong to state, as asserted in the Office Action, that the sensor of Claim 22 "does not necessarily need to be a solid semiconductor element in contact with a liquid", since that exact phrasology is part of Claim 22.

It is therefore respectfully submitted that the requirements of MPEP § 806.05(h) cannot be met, since the process of the Group II claims (which include independent Claim 22) cannot be practiced with a product that differs materially from a solid semiconductor element in contact with a liquid.

Moreover, it is respectfully noted that the language of independent Claim 22 (from Group II) closely tracks the language of independent Claim 16 (from Group I). A side-by-side of this claim language is given below:

## Claim 22

22. A liquid change information acquiring method of using a solid semiconductor element disposed in contact with a liquid, said element comprising:

information acquiring means for acquiring information about the liquid;

information communicating means for displaying or transmitting the information acquired by said information acquiring means to the outside; and

energy converting means for converting an energy applied from the outside to an energy of a type different from the type of said applied energy to operate said information acquiring means and said information communicating means.

## Claim 16

16. An ink tank which contains an ink to be supplied to an ejection head for ejecting the ink, comprising:

information acquiring means for acquiring chemical property information of said ink, including at least one of a hydrogen ion concentration index, a concentration, and a density of said ink;

information communicating means for displaying or transmitting the information acquired by said information acquiring means to the outside; and

energy converting means for converting an energy applied from the outside to an energy of a type different from the type of said applied energy to operate said information acquiring means and said information communicating means.

It is therefore respectfully submitted that there are close similarities between the subject matter claimed in at least some of the Group I claims and that of at least some of the Group II claims, such that restriction between the claims would be inappropriate.

Applicants therefore respectfully request the Examiner to withdraw his requirement for restriction, and to examine all pending claims on their substantive merits.

Applicants' undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Attorney for Applicants  
Michael K. O'Neill  
Registration No. 32,622

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

CA\_MAIN 107058v1